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EXAMINER
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ART UNIT	PAPER NUMBER
3625	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/487,392	LOPEZ JR., LEONARD H.
Office Action Summary	Examiner	Art Unit
	James Zurita	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _10 June 2003_ .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-20_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-20_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some *   c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Response to Amendment

After a request for continuing prosecution (CPA), a Second Office Action rejected

claims 1-20 as obvious over Sevcik. Applicant amended drawings, specification and

several claims and presented arguments concerning the rejection.

Claims 1-20 are pending and will be examined.

Response to Arguments

Applicant's arguments filed 10 June 2003 have been fully considered but they are

not persuasive. This office action first addresses arguments concerning Rejection of

claims 1-20 under 35 U.S.C. 103(a). The office action then addresses arguments

concerning Rejection of claim 8 under first paragraph of 35 U.S.C. 112.

Rejection of claims 1-20 under 35 U.S.C. 103(a)

In response to applicant's argument that the examiner's conclusion of

obviousness is based upon improper hindsight reasoning, it must be recognized that

any judgment on obviousness is in a sense necessarily a reconstruction based upon

hindsight reasoning. But so long as it takes into account only knowledge which was

within the level of ordinary skill at the time the claimed invention was made, and *does*

not include knowledge gleaned *only* from applicant's disclosure, such a reconstruction is

proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that Sevcik lacks any motivation to combine prior art to disclose various types of profile information (pages 12-13), the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

In response to applicant's arguments against Sevcik individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant argues that there is no suggestion to combine Sevcik with knowledge available to one of ordinary skill at the time the invention was made. In response to this argument, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the *references themselves* **or** in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Concerning command sets, for example, the Examiner stated,

> One of ordinary skill in the art of electronic commerce at the time the invention was made would have been motivated to include in Sevcik the use of various types of prior art command sets (such as direct-to-plate and copier command sets) for the obvious reason that professional printers may have many different types of printing machines, depending on their specialties. The machines vary according to manufacturer and model. Printing machines may have different versions of software, since software professionals produce newer and more sophisticated systems on a regular basis. Variety

in hardware and software allows a more competitive market place, which produces benefits for consumers and producers alike.

The inclusion of command sets may permit quicker processing of estimates because a printer knows that the data that forms part of the order may already includes some of a printer's own information. This information may allow centralized sites to send information that has already been verified as correct. This may reduce the amount of validation needed at a vendor, thereby reducing turn-around time for an estimate. Because a printer may provide estimates for orders more quickly than competitors, a printer is more likely to win a company's order, thereby making more money.

The Examiner respectfully submits that Applicant has not shown that one of ordinary skill at the time the invention was made would *not* have known the above information.

A "traverse" is a denial of an opposing party's allegations of fact.[1] The Examiner respectfully submits that applicants' arguments and comments do not appear to traverse what Examiner regards as knowledge that would have been generally available to one of ordinary skill in the art at the time the invention was made. Even if one were to interpret applicants' arguments and comments as constituting a traverse, applicants' arguments and comments do not appear to constitute an <u>adequate traverse</u> because applicant has not specifically pointed out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. 27 CFR 1.104(d)(2), MPEP 707.07(a). An <u>adequate</u> traverse must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying Examiner's notice of what is well known to one of ordinary skill in the art. <u>In re Boon</u>, 439 F.2d 724, 728, 169 USPQ 231, 234 (CCPA1971).

Applicant argues that Sevcik

> ... **does not** even recognize, much less solve, the *problems* and inefficiencies of typesetting and proofing identified in the background section of Applicant's specification [and] that Claim 1 is directed to an automated print order system that solves ... typesetting and proofing *problems* by directly generating a *pre-press* product that automatically incorporates a "predeterminable profile" into a "company tailored product."

> Illuminated by this context, claim 1 covers an "automated print order system" that provides both a requestor interface to enable a user to select a company tailored product (e.g., business cards or letterhead with company-specific graphics and layout) according to a predeterminable profile (e.g., user and/or company indicative information) and to make a print order therefrom, and a processor interface to fulfill the user's print order, the processor interface automatically incorporating the predeterminable profile (e.g., user and company indicative information) into the tailored product (e.g., business card or letterhead with company-specific graphics and layout) and directly generating a *pre-press* product (e.g., ready-to-print PDF) therefrom.

The examiner notes that the term "ready-to-print PDF" *does not* appear in applicant's specifications or claims. The claims refer to pre-press products for systems that ultimately create printed products. Pre-press products may be command sets for direct-to-plate systems and for copier systems. Pre-press product may differ depending on the type of system being used to produce a print product. One of ordinary skill in the art at the time the invention was made would have known that it is customary to send direct-to-plate command sets to systems that require plates. Alternatively, one of ordinary skill in the art at the time the invention was made would have known to send copier command sets to systems that produce printed products via electronic copiers.

A profile is a set of data that portrays the significant features of something.[2] Applicant has not argued or shown that his use of the term "profile" varies from its common ordinary meaning, or from Sevcik's use of the term. Sevcik discloses several profiles, including pre-chosen profiles, print provider profile, production availability

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[1] Definition of Traverse, Black's Law Dictionary, "In common law pleading, a traverse signifies a denial."
[2] Definition of profile, MERRIAM WEBSTER Collegiate Dictionary.

profile, job category profile, product quote profile. The profiles contain user and/or

company indicative information, as required by applicant. See at least previous Office

Action, pages 5-6, for example.

Sevcik discloses procurement of various types of company tailored printed

products, including business cards or letterhead with company-specific graphics and

layout (for example, Col. 7, lines 43-55, including graphics on letterheads).

The examiner respectfully notes that Sevcik provides automated quotes and

procurement of printed products over the Internet. See, for example, references to

procurement management, Title, Abstract, Col 14, lines 6-50 and others. Procurement

is the acquisition of goods (materials, parts, supplies, equipment) required to carry on

an enterprise.[3] In order to *produce ordered* products, Sevcik print providers receive

information that is sufficient to create printed products.

Applicant argues that Sevcik *does not* define profile structures according to

applicant's specific structure layouts and description. In response, the Examiner

respectfully notes that the fields mentioned at various places as belonging to various

structures are not recited in the claims. Applicant's *method* claims are directed to

fulfilling orders for printed products, where one interface accepts user selections of

products according to "predetermined" profiles and another interface generates a pre-

press product incorporating information from a profile.

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[3] Definition of Procurement, BARRONS Dictionary of Business Terms.

A profile is predeterminable where the profile is able to be predetermined from data that is prearranged, programmed, encoded, fixed, determined, set, present.[4] An interface is software that enables a program to work with a user (*user* interface, which can be a command-line interface, menu-drive interface, or a graphical user interface), with another program such as the operating system, or with a computer's hardware.[5]

Sevcik does not specifically refer to his interfaces as a "requestor interface" or "processor interface" and Sevcik does not group functions according to applicant's uses. Sevcik's profiles are "prearranged, programmed, encoded, fixed, determined, set, present." The data in Sevcik's profiles is collected via various user interfaces. Sevcik creates pre-press products via other interfaces that use information from the profiles. Sevcik passes Pre-press product data to print provider production systems for the purpose of creating, selling and fulfilling orders for printed products. The print provider systems *may* also produce quotes for those orders prior to fulfilling the orders.

On pages 11, line 20 to page 12, lines 13, Applicant argues:

> Sevcik *does not* disclose, teach, or suggest a system or process for automatically incorporating a predeterminable profile into a tailored product and directly generating a pre-press product therefrom. On the contrary, it anticipates that "*a Print Provider may require additional information about a job in order to begin.*" Col. 15, lines 19-22.
>
> In his Office Action, the Examiner asserted that "Sevcik merges specific profile data, data entered via entry fields on various interfaces according to templates and prototypes to produce pre-press files." Office Action, at 6. Applicant respectfully disagrees.
>
> A specification that a print buyer wants 2500 6-inch-by-9-inch white postcards having a 10-pound paper weight with a glossy finish with 3 panels, color ink on the front, and black ink on the back (Sevcik, Fig. 5) is not a "pre-press" product or file. These specifications are simply used to generate a quote or print order - not a pre-press product or file. Moreover, as indicated by col. 15, lines 19-22, *the Print Provider will generally require additional information about the job* - like what information and graphics need

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[4] MS WORD Thesaurus (US English)
[5] Definition of interface, MICROSOFT Computer Dictionary.

to be put on the letterhead, postcards, or address labels, and the typesetting desired for the print product - before it can begin. Sevcik simply *d es not* automate this process.

The Examiner notes that applicant first correctly quotes Sevcik as stating "...*may require*...." Several lines below, applicant appears have become convinced that Sevcik "...*will generally* require..." In any case, Sevcik states,

> Each job is given an ID number automatically by the system once a print buyer requests a quote. The ID number, from that point on, is used to track job status. For any job, there will always be a status including on hold, in production, and completed. The print provider is required to update the status of a job each time that status changes. Any change in job status entered into the system will, upon approval, be viewable by the Print Buyer. For example, a Print Provider *may require* additional information about a job *in order to begin*. Col. 15, lines 10-22, emphasis added)

Further, applicant's attention is directed to at least the following sections, which discuss *completed* jobs:

> Job History
> For every job, there is a series of steps, which occur from when then quote is generated, to when the job is closed. Each of these steps is tracked within the system and viewable from the Job history interface for that particular job. This is a read-only interface (with the exception of certain administrators with the proper access privilege), which enables the Print Provider to look up important information such as dates the file was sent/received, delivery dates, press check status, etc. The interface lists, line by line, each status change and the date that that change was stored in the database.
>
> Once a job is completed, it moves out of the current job queue into an archive. The history of that job will always be accessible to the Print Buyer with access to that account. Col. 15, lines 52-67).

The Examiner respectfully directs applicant's attention to Fig. 16 as well, which graphically shows the following statuses of a job: "client approval" "pre-press" "press run" and "folding/packing." Applicant has not shown that his use of the terms *completion, automation, business card, letterhead, pre-press,* and others, varies from their common ordinary meanings of the terms or from how these terms are used by Sevcik.

The Examiner respectfully notes that he cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Rejection of claim 8 under first paragraph of 35 U.S.C. 112

Claim 8 was rejected under first paragraph of 35 U.S.C. 112. The Examiner respectfully submits that Applicant's arguments are not commensurate with the claim's recitation, are non responsive and not persuasive.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999).

The Examiner respectfully notes that the claim language is directed to *defining* a database management system (not to participating in a DMBS definition step, or building a DBMS). Claim 8 states,

The method as recited in claim 6, wherein said providing a requestor interface step further comprises the step of *defining a database management system,* said database management system being adapted to collect and store data according to said field list.

The term "database management system" in claim 8 is used by the claim to mean "defining a database management system" while the accepted meaning of a database management system is:

A layer of *software* between the physical database and the user. The DBMS manages *all* requests for database action (for example, queries or updates) from the user. Thus, the user is spared the necessity of keeping track of the physical details of file locations and formats, indexing schemes and so on. In addition, a DBMS permits centralized control of security and data integrity requirements.[6]

Without providing enabling written description, applicant argues:

- "...to *define* a DBMS, the fields are parsed ..."

- applicant does not require a "...user to *define* a DBMS..."

- a user may "...*participate* in the DBMS *definition* step..."

- that "...a print provider or a third party will actually *build* the DBMS..."

- that a DBMS may be *defined* by a print provider or some other third party.

The following text may be found in applicant's amendment A:

As each possible product configuration is captured in a prototypical product record, a script program and field list is generated 54 as what *will become an automated interface* with a *database management system* 74, detailed further herein. This *list essentially defines the fields for the database tables,* each field representing a unique element of the various products' specification. (page 10, lines 8-10), emphasis added.

To *define the DBMS,* "the fields are parsed according to the type of information to be collected ...Each category is then implemented in the *database* 74 as a separate, cross-linkable table 58. Page 11, lines 19-23. The specification even provides a partial example of a DBMS implementation in Fig. 5, page 11, line 23 through page 12, line 9.

The foregoing context demonstrates how a "user" may *participate* in the DBMS-definition step - namely, by providing information in an interview. It also suggests that the *print provider, or some third party acting on the print provider's behalf, that will actually build the DBMS.*

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[6] Definition of DataBase Management System, MICROSOFT PRESS Computer Dictionary, emphasis added.

> Applicant hastens to note that claim 8 does not recite that the user must define the
> DBMS. Rather, claim 8 recites that the "step of defining a database management
> system" is but a portion of the step of "providing a requestor interface." Claim 8,
> therefore, not only covers methods in which a user *participates in the definition of a
> DBMS,* but also methods in which a print provider or some other third party (rather than a
> user or customer) defines a DBMS so that the print provider may provide a requestor
> interface for a corporate customer to use. (Emphasis added)

The Examiner also respectfully notes that applicant's quoted sections are

directed to steps such as exporting a field list for database implementation (step 56),

and that the field list thus exported is used by the DBMS that manages database **74**

(Fig. 5) to define database tables (step 58) accordingly. The Examiner also respectfully

notes that applicant appears to incorrectly use the terms database management system

74 and database **74** as synonyms.

> Assuming then client acceptance of the products produced according to the generated
> templates and scripting program, the field list is exported for database implementation 56,
> as detailed in Figure 4.
>
> As an initial step, the fields are parsed according to the type of information to be
> 20 collected and held therein and, as will be better understood further herein, the
> circumstances under which that type of information may change over the implementation
> life of the print *order* system 57. Each category is then implemented in the database **74**
> as a separate, cross-linkable table 58. For example, as shown in the exemplary
> representation of Figure 5, the "*orders*" table 59 may only contain an *order* number 60,
> product identifier 61, quantity 62 and user identifier 25 63. While the product identifier 61
> and quantity information 62 are directly stored in the "*orders*" table 59, it is noted that the
> user information is actually only a cross-link to the "users" table 64. In this manner, as will
> be better understood further herein, an update to a user's information may be effective at
> the last possible moment prior to actual product printing. Likewise, company indicative
> information is cross-linked from the "company" table 65 to ensure that a single update 5
> can be made effective on a date certain within all outstanding *orders*. As also shown in
> Figure 5, product identifiers 61, stored in the "products" table 66 and authorized titles 67,
> stored in the "titles" table 68, are flowed into the various other tables as selectable only
> inputs. In this manner, only those products for which a prototypical record have been
> developed and only those titles authorized by the company can be selected by a user
> requestor. Page 11, line 16 – page 12, line 9

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 8 and dependent claims are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 8 is directed to "...defining a database management system [DBMS]..."

Claim 8 will be given its broadest reasonable interpretation to include using, in any way, a DBMS to manipulate database objects. Claim 12 will be given its broadest reasonable interpretation to include any type of connectivity on the Internet.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevcik et al, (US Patent 6,330,542).

For purposes of applying prior art, the term "...defining a database management system..." will be interpreted to read on *any use* of a database's database management system, including viewing data, creating tables, inserting rows into tables, etc.

Sevcik discloses electronic-commerce procurement and processing for commercial printing. Users may enter orders, modify orders, and generate orders for print products (see at least references to print buyer component, Col. 5, lines 10-Col.

14, line 5). Users may create company and individual profiles (see at least Col. 1, lines

60-67, Col. 14, lines 16-22, Fig. 1A and related text concerning registration). Users may

combine options selected from various interface templates and field lists (see at least

screens for user interfaces, Fig. 2-8, 18, and related text for various screens used to

select and enter data).

Sevcik also discloses the use of several interfaces, including at least an interface

for requesting products (see at least Col. 1, line 1-Col. 2, line 16; Col. 3, lines 42-Col.

65), and an interface for processing products (see at least Col. 3, lines 66-Col. 4; Fig.

16 and related text, Col. 14, line 49-Col. 15, line 10).

The output from Sevcik contains information sufficient to enable professional

printers and typographers to bid on an order and fulfill an order. Sevcik merges specific

profile data, data entered via entry fields on various interfaces according to templates

and prototypes to produce a pre-press file (see at least Col. 6, lines 6, line 27-Col. 8,

line 57 for customizable options; see at least Fig. 13 and related text concerning the use

of specifications to produce price quotes for customized products, Col. 10, line 60-Col.

11, line 50). See also Fig. 16 for products that have pre-press as their status. Sevick

discloses the use of printing providers, pre-press firms, designers and other printing

professionals who provide a finished print product.

Sevcik teaches that an interface may have a plurality of fields, and that the fields

permit entry of data to develop a standard product record (see at least Fig. 5 and

related text, which describe fields such as size of product, type of binding, ink, coating,

paper finish). Other fields may include a quantity field, a turnaround time field, shipping

information fields (see at least Col. 3, lines 42-65, Fig. 13 and related text, Col. 10, line 60-Col. 11, line 50 which describe various data that may be entered into fields of an interface to create a plurality of orders.)

Sevcik teaches generating a plurality of prototypical product records (see at least references to custom product categories and standard variable options and standard variable products created thereby, Col. 3, lines 41-65).

Sevcik teaches, as in claim 8, that once data is entered into a database through an interface, data is instantly available to a person placing an order and data may be accessed from a personalized home page (Col. 14, lines 50-Col. 15, line 10). As in claim 9, Sevcik discloses that data is collected in various fields (see above). As in claim 10, the data is used to create user profiles that are specific to a company and to users (see Col. 14, lines 5-50, for individual user accounts, master corporate accounts).

Sevcik discloses the use of DBMS interfaces for input and that an interface may be used over the World Wide Web (see at least Col. 14, line 50- Col. 15, line 10, which teaches that once data is entered into a database through an interface, data is instantly available to a person placing an order and that data may be accessed from a personalized home page (Col. 14, lines 50-Col. 15, line 10).

Sevcik discloses the use of networks and the Internet. A network is a group of two or more computer systems linked together; the computers may be called clients and servers. Editing and validation may be done on a client (client-side) and on a server (server-side) of an interface. These and other functions may be executed with scripting languages. As disclosed by applicant, scripting environments are well known to

persons of ordinary skill in the art (see application, page 5, lines 7-8). In addition,

scripting may be implemented with a server-side scripting language such as ACTIVE

SERVER PAGES, from MICROSOFT. Sevcik discloses that a portion of data collected

with a field list may be merged with a template of a standard product record to generate

pre-press product data (see at least Col. 1, lines 51-59).

Sevcik discloses that output may be sent to several professional vendors for an

estimate. As would have been well known to one of ordinary skill at the time the

invention was made, professional printers may have many different types of printing

machines, depending on their specialties.

As Sevcik discloses, much of the input data may be generalized. Sevcik also

allows a user to select vendors according to various variables (see at least Col. 9, lines

40-43). Such vendor specific pre-press data may include vendor command sets, since

it is irrelevant to a database what type of data it stores.

Sevcik discloses that an interface for requesting products may include steps to

generate a product specification record that can serve as a standard (see at least Fig. 4;

see also Col. 6, lines 25-Col. 9, line 12, which describe possible selectable options for

generating a standard record for specifying a product).

Sevcik discloses that a standard for a product may include a template (see at

least Col. 8, lines 57-Col. 9, line 4. The standard record and specifications serve to

completely define a company tailored product since the specifications are used as the

basis for price quotes, saving estimates, as described in Col. 9, line 14-Col. 14, line 5).

Sevcik discloses that product-specific printing information may include details needed by professional shops to provide a cost quote (see at least Col. 11, line 5-Col. 4, line 4) and to produce print product according to orders.

Sevcik *does not* specifically disclose the use of HTML and scripting languages. The Examiner respectfully submits that one of ordinary skill in the art at the time the invention was made would have known to use HTML and scripting languages on the Internet. Scripting languages may be used on both a client-side and on a server-side of a network. On a server, scripts may be coded to merge some or all of the data received from a client to other data that already exists on any of a server's databases. The data stored in a server database may be of any data type (such as text and graphics) and may be included in templates of standard product records, as described by Sevcik (see at least Col. 1, line 23-Col. 4, line 12). Graphics may be collected according to data selected from a list of fields (Col. 7, lines 3-Col. Col. 9, line 13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Sevcik with knowledge generally available to those of ordinary skill in the art and disclose the use of HTML and scripting languages. One of ordinary skill in the art at the time the invention was made would have been motivated to combine Sevcik with knowledge generally available to those of ordinary skill in the art and disclose the use of HTML and scripting languages for the obvious reason that by using HTML and scripts, one can produce user-friendly interfaces that encourage users to engage in on-line ordering. By having user-friendly interfaces that

prompt users, users may find their work more pleasant. Businesses that provide user-friendly interfaces may find increased use brings more business and more money.

Sevcik *does not* specifically disclose that pre-press products include command sets such as direct-to-plate command sets or copier command sets. The examiner respectfully notes that pre-press product is different depending on the type of system being used to produce the print product. The Examiner respectfully submits that one of ordinary skill in the art at the time the invention was made would have known that it is customary to send direct-to-plate command sets to systems that require plates. The Examiner also respectfully submits that one of ordinary skill in the art at the time the invention was made would have known to send copier command sets to systems that produce printed products via electronic copying machines.

Therefore, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time the invention was made to combine Sevcik with knowledge generally available to those of ordinary skill in the art at the time the invention was made to disclose the use of command sets in the information sent to printing professionals.

One of ordinary skill in the art of electronic commerce at the time the invention was made would have been motivated to combine Sevcik with knowledge generally available to those of ordinary skill in the art at the time the invention was made to disclose the use of command sets in the information sent to printing professionals for the obvious reason that printing professionals use different types of hardware and software for printing. The machines vary according to manufacturer and model.

Printing machines may have different versions of software, since software professionals produce newer and more sophisticated systems on a regular basis. The variety in hardware and software allows a more competitive market place, which produces benefits for consumers and producers alike.

Sevcik *does not* use the term tracking, kerning and text adjustment. However, Sevcik discloses that specific company tailored product is sufficient for professional printers an typographers to create competitive cost quotes. Sevcik also teaches that product orders may be sent to various professionals for competitive estimates (see at least Col. 9, line 13-Col. 50).

The Examiner respectfully submits that one of ordinary skill at the time the invention was made would have known that typographical information includes tracking, kerning, text and graphics adjustment data. Without information such as font size, font type, characters per inch, fixed or variable text size, image size and placement, one of ordinary skill in the art of printing and typesetting may have insufficient details to provide competitive estimates, as is taught by Sevcik. Similarly, if a print provider does not obtain sufficient information to produce a pleasing printed product according to specific guidelines, the print provider may lose customers, since customers may be very disappointed in the items they receive. Lost customers often means lost business and lost revenue. Providing pleasing, accurate products according to specifications may produce happy customers who will bring back repeat business and recommend the particular print provider to others.

Prior Art References

At least these additional previously-cited prior art references disclose electronic commerce methods such as described by applicant.

Smith et al., US Patent 5,964,156, filed 3 June 1998 and issued 12 October 1999. Smith relates to a workflow in a prepress printing system. Smith is important in that it discloses system and methods for preparing printing instructions that relate to image and text positioning within the context of client/severs in networks.

Roth et al., The Publishing Face-off, February 1996, Macworld, v. 13, n. 2, page 124. Accessed from DialogWeb 4 June 2002, accession number 01899559. Roth et al describe and compare different types of printing, including XDATA.

Simone, Luisa, The Changing of the Guard, 9 February 1993, PC Magazine, v. 12, n. 3, p. 23. Accessed from DialogWeb 4 June 2002, accession number 03863064. Simone discusses XDATA and other extensions to the printing profession, as well as pre-press products.

Dyson, Xtensions to Quark Xpress, Seybold Report on Desktop Publishing, 8 June 1992, v. 6, n. 10, p. 3. Accessed 4 June 2002 from DialogWeb, accession number 01520910.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
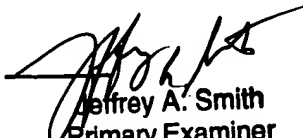
A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to James Zurita whose telephone number is 703-605-

4966. The examiner can normally be reached on 8:30 am to 5:00 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone numbers

for the organization where this application or proceeding is assigned are 703-305-7687

for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-308-

1113.

James Zurita
Patent Examiner
Art Unit 3625
August 19, 2003

Jeffrey A. Smith
Primary Examiner